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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,349	04/03/2006	Katsumi Kozu	P29569	9240
52123	7590	06/07/2010	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C.			DAVIS, PATRICIA A	
1950 ROLAND CLARKE PLACE				
RESTON, VA 20191			ART UNIT	PAPER NUMBER
			1795	
			NOTIFICATION DATE	DELIVERY MODE
			06/07/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/574,349	KOZU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	PATRICIA DAVIS	1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 March 2010.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-6 or 7-12 is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) 1-12 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Claim Objections***

1. Applicant is advised that should claims 1-6 be found allowable, claims 7-12 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). The claims are objected to because the scope of the claims 1-6 and 7-12 is the exact same, even with the slight variation in wording.

### ***Claim Rejections - 35 USC § 103***

2. The claim rejections under 35 U.S.C. 103(a) as unpatentable over Hamada et al. (U.S. Pat. No. 2004/0058233) and Marukawa et al. (U.S. Pat. No. 6,275,003) on claims 1-3, 6-9 and 12 are withdrawn, because independent claims 1, 2, 7 and 8 were amended.

3. The claim rejections under 35 U.S.C. 103(a) as unpatentable over Hamada et al. (U.S. Pat. No. 2004/0058233), Marukawa et al. (U.S. Pat. No. 6,275,003) and Masumoto et al. (WO 03/003485) on claims 4, 5, 10 and 11 are withdrawn, because independent claims 1 and 7 were amended.

***Allowable Subject Matter***

4. Claims 1-6 are allowed if claims 7-12 are cancelled **or** claims 7-12 are allowed if claims 1-6 are cancelled. The following is an examiner's statement of reasons for allowance: No prior art teaches a battery pack comprising the plurality of rechargeable batteries surrounded by a frame, the frame including a center frame having a plurality of battery accommodating openings, each battery accommodating opening having a shape and dimensions matching the cross section of the lengthwise center of the battery, the battery accommodating openings holding center parts of the batteries and arranging the rechargeable batteries in parallel spaced relationship; a bottom frame having a bottom accommodating parts that receive bottoms of the rechargeable batteries; and a terminal side frame attached to the circuit substrate and having sealing part accommodating parts that receive sealing pate sides of the rechargeable batteries, as recited by the claims.

The closest prior art is Hamada et al. (U.S. Pat. No. 2004/0058233) (hereinafter "Hamada"). Hamada teaches a battery pack composed of a plurality of rechargeable battery modules (2) where a sealing plate (22) covers an open end of the case and an electrode terminal provided on the sealing plate (22) side and a tubular cover (pack case 8) for accommodating the rechargeable batteries (see pars. 0029, 0045; see fig. 3). Hamada teaches that the electrode assembly has a liquid solution (see par. 0035). Hamada further teaches terminal holes (circuit substrate 15). It is inherent that the circuit substrate would be able to manage the operating state of the rechargeable batteries. Hamada teaches that the battery modules (2) are arranged in parallel and in

the same direction and the terminal holes (circuit substrate 15) are mounted on the holding bracket (terminal side frame 3) that holds the sealing plate side of the battery modules (plurality of rechargeable batteries 2), a holding bracket (terminal side frame 3) and holding bracket (bottom frame 4) (see par. 0029; fig. 1). Hamada does not teach or suggest the rechargeable batteries are surrounded by a center frame having a plurality of battery accommodating openings, each battery accommodating opening having a shape and dimensions matching the cross section of the lengthwise center of the battery, the battery accommodating openings holding center parts of the batteries or that a resin mold is provided for covering the necessary surface of the circuit substrate after the circuit substrate is electrically connected to the rechargeable batteries and to input and output terminals.

Other references considered were Marukawa et al. (U.S. Pat. No. 6,275,003) and Masumoto et al. (WO 03/003485).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICIA DAVIS whose telephone number is (571)270-7868. The examiner can normally be reached on 7:30am-5pm EST. Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dah-Wei Yuan can be reached on 571-272-1295. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PATRICIA DAVIS/  
Examiner, Art Unit 1795

/Dah-Wei D. Yuan/  
Supervisory Patent Examiner, Art Unit 1795